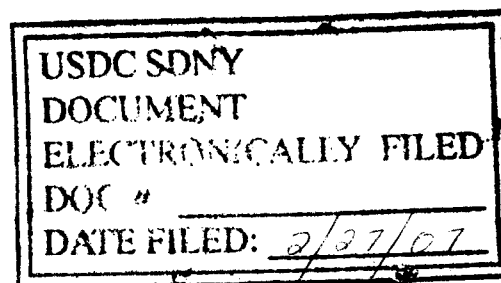


MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: DANIEL P. FILOR (DF-8859)
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2726
Facsimile: (212) 637-2717



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
GARRY RISSMAN,

Plaintiff,

v.

U.S. DEPARTMENT OF LABOR,

Defendant.
----- x

07 Civ. 1010 (CM)

**STIPULATION OF VOLUNTARY
DISMISSAL OF REQUEST
FOR PRELIMINARY
INJUNCTION AND
TEMPORARY RESTRAINING
ORDER**

WHEREAS on or about February 13, 2007, Garry Rissman ("Plaintiff") filed a summons and complaint in the above-captioned matter (the "Complaint") against the United States Department of Labor (the "DOL" or "Defendant");

WHEREAS on or about February 13, 2007, Plaintiff submitted a draft Order to Show Cause seeking a Preliminary Injunction and Temporary Restraining Order and a supporting affidavit;

WHEREAS on February 15, 2007, the Court issued an Order to Show Cause for Preliminary Injunction and Temporary Restraining Order; and

WHEREAS on February 16, 2007 and February 20, 2007, the DOL sent correspondence to Plaintiff regarding matters that plaintiff sought to raise through the Order to Show Cause (attached hereto collectively as Exhibit A);

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the Plaintiff and Defendant as follows:

1. Plaintiff's request for a Preliminary Injunction and Temporary Restraining Order is withdrawn;
2. This stipulation shall not be deemed an admission by the Defendant that this Court has jurisdiction over the merits of this case. See 5 U.S.C. § 8128(b).
3. The parties understand and agree that this stipulation contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: New York, New York
February 23, 2007

Dated: New York, New York
February 23, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendant

By: Garry Rissman
GARRY RISSMAN
Pro Se Plaintiff
255 West 43rd Street, #602
New York, New York 10036
Telephone: (212) 302-1467

By: Daniel P. Filor
DANIEL P. FILOR
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2726
Facsimile: (212) 637-2717

So Ordered:

Dated: New York, New York
February 23, 2007
Colleen McMahon
THE HONORABLE COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE

File Number: 022056956

ff-O-NO

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMP PROGRAMS
PO BOX 8300 DISTRICT 2 NYC
LONDON, KY 40742-8300
Phone: (646) 264-3000

February 16, 2007

Date of Injury: 07/27/2004

Employee: GARRY D. RISSMAN

GARRY D RISSMAN
255 W 43RD ST, # 602
NEW YORK, NY 10036

Dear Mr. Rissman:

This letter is in reference to our letter dated January 19, 2007 wherein you were informed of the scheduling of a referee medical examination.

Based on a subsequent review of your file and in accordance with our procedures, it was determined that we can approve the L5/S1 spinal surgery. Our Central Medical Authorization facility will send you an authorization letter under separate cover.

With regard to our letter dated January 25, 2007, please be advised that the letter was intended to inform you of your responsibilities about attending scheduled examinations, but it may have been misleading in notifying you of a possible suspension. This was not in accord with our procedures. We ask you that you disregard the letter and we apologize for any misunderstanding and for any inconvenience this may have caused you.

Sincerely,

Valerie Fleming
Claims Examiner

DEPT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMIN
75-20 ASTORIA BOULEVARD
SUITE 300
EAST ELMHURST, NY 11370

DOLA3700-R001A 0000261 FECA

Fiscal Agent Services
PO Box 8300
London, KY 40742U.S. Department of Labor - FECA
Employment Standards Administration
Office of Workers' Compensation Programs

February 20, 2007

SEAPORT ORTHOPEDIC ASSOC
19 BEEKMAN ST
NEW YORK NY 10038

Claimant Name: GARRY D RISSMAN
Claimant ID: 022056956 01
Authorization Number: 802007020800684
PROVIDER NUMBER: 109058700
System Auth Number: 7039000990 7039000991 7039000992 7039000993 7039000994

The request for authorization for 02/07/07 to 06/07/07 has been reviewed
and authorized as follows:

63047	REMOVAL OF SPINAL LAMINA	2 Units
22612	LUMBAR SPINE FUSION	2 Units
20936	SPINAL BONE AUTOGRAFT	2 Units
69990	MICROSURGERY ADD-ON	2 Units
64714	REVISE LOW BACK NERVE(S)	2 Units

The service requested is authorized for the condition(s) accepted by OWCP. It is your responsibility to ensure you have the correct ICD9 code from the claimant for their accepted condition when you bill for this service. This authorization does not guarantee payment as billed. Billings are subject to systematic review for propriety. Additionally, the OWCP Fee Schedule applies to billed amounts.

ATTENTION: Effective October 1st, 2008, your ACS OWCP Provider Number must be in box 33 of a HCFA or box 51 of a UB. If the number is not included on the form, your bill will be returned.

In the event that you wish to change the procedure authorized (i.e., date of service, provider or procedure), please submit your change request via facsimile to 800-215-4901 using the prior authorization template, which can be found on our website.

For faster service, you are now able to seek, and, for routine care, receive medical authorizations online. Please begin using our website at <http://owcp.dol.acs-inc.com/portal/main.do> to submit your authorization requests. If you do not have access to the website, you may continue to submit your prior authorization requests to us via our toll free facsimile line at 800-215-4901 using the prior authorization templates provided to you in your welcome packet.

Sincerely,
ACS Prior Authorizations Department

File Number: 022056956

ff-O-NO

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMP PROGRAMS
PO BOX 8300 DISTRICT 2 NYC
LONDON, KY 40742-8300
Phone: (646) 284-3000

February 20, 2007

Date of Injury: 07/27/2004

Employee: GARRY D. RISSMAN

GARRY D RISSMAN
255 W 43RD ST, # 602
NEW YORK, NY 10036

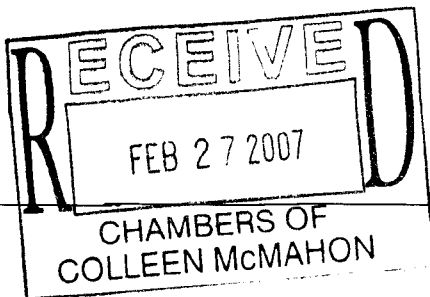
Dear Mr. RISSMAN:

This letter clarifies our February 16 letter informing you that your surgery was approved. Regarding the scheduling of a referee medical examination, we have determined that such an examination is not necessary at this time. Although the second opinion physician believes you are capable of performing light duty and your treating physician believes you are totally disabled, we will hold off further medical development in the form of a referee examination pending the results of your surgery.

Sincerely,

Valerie Fleming
Claims Examiner

DEPT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMIN
75-20 ASTORIA BOULEVARD
SUITE 300
EAST ELMHURST, NY 11370



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

February 26, 2007

BY FACSIMILE

The Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, New York 10007-1312

Re: Rissman v. U.S. Dep't of Labor, 07 Civ. 1010 (CM)

Dear Judge McMahon:

The United States and plaintiff in the above-referenced action respectfully submit for the Court's approval the attached signed proposed Stipulation and Order. Pursuant to this Stipulation, the parties have agreed that plaintiff's request for a preliminary injunction and a temporary restraining order are withdrawn. In light of these circumstances, the parties respectfully request that the Court approve the Stipulation and Order. As a result of this Stipulation and Order, the parties also respectfully request that the hearing on the Order to Show Cause scheduled for March 1, 2007, be adjourned gine die.

Thank you for your consideration of these requests.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By: 

DANIEL P. FILOR
Assistant United States Attorney
Telephone: (212) 637-2726
Facsimile: (212) 637-2717

cc: (by electronic mail)

GARRY RISSMAN (pro se)
255 West 43rd Street, #602
New York, New York 10036